

DANIEL G. BOGDEN
United States Attorney
District of Nevada
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Nevada State Bar No. 10233
501 Las Vegas Boulevard South
Suite 1100
Las Vegas, Nevada 89101
702-388-6336
phillip.smith@usdoj.gov

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:16-cr-106-JCM-PAL
)	
Plaintiff,)	
)	
v.)	
)	
MARK KENDALL,)	
)	
Defendant.)	
_____)	

STIPULATION FOR EXTENSION OF TIME

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Heidi A. Ojeda, Assistant Federal Public Defender, counsel for Defendant MARK KENDALL, that the date for the Government to file a response to the Defendant's Motion to Suppress (Docket #20) be extended for two (2) weeks.

This stipulation is entered for the following reasons:

1. The Defendant's Motion was filed and served on July 11, 2016. Pursuant to the Court's Order, the Government's response deadline is August 15, 2016.

1 2. The parties are presently attempting to resolve this matter with a plea agreement,
2 which would obviate the need for the Court to consider the Defendant's Motion.

3 3. The Defendant is incarcerated, but he does not object to the continuance of the
4 Government's response deadline.

5 4. The trial in this matter is presently set for November 14, 2016. Consequently, the
6 requested extension of the Government's response deadline is not likely to affect the present trial
7 setting.

8 5. The additional time requested herein is not sought for purposes of delay, but
9 merely to allow the parties an attempt to resolve this matter with a plea agreement.

10 6. Additionally, denial of this request for continuance could result in a miscarriage
11 of justice and would result in an unnecessary expense of the Court's resources.

12 7. This is the second stipulation filed herein to continue the Government's response
13 deadline.

14 DATED: August 12, 2016.

15
16 _____
17 /s/
18 PHILLIP N. SMITH, JR.
19 Assistant United States Attorney
20 Counsel for the United States

21 _____
22 /s/
23 HEIDI A. OJEDA
24 Assistant Federal Public Defender
25 Counsel for Defendant MARK KENDALL

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,) **2:16-cr-106-JCM-PAL**
)
Plaintiff,)
)
v.)
)
MARK KENDALL,)
)
Defendant.)
_____)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on July 11, 2016. Pursuant to the Court's Order, the Government's response deadline is August 15, 2016.

2. The parties are presently attempting to resolve this matter with a plea agreement, which would obviate the need for the Court to consider the Defendant's Motion.

3. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

4. The trial in this matter is presently set for November 14, 2016. Consequently, the requested extension of the Government's response deadline is not likely to affect the present trial setting.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow the parties an attempt to resolve this matter with a plea agreement.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice and would result in an unnecessary expense of the Court's resources.

